

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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10 GLORIA CASTLE,)
11 Plaintiff,) 2:08-cv-166-PMP-RJJ
12 vs.)
13 CLARK COUNTY REAL) REPORT & RECOMMENDATION
14 MANAGEMENT,) OF UNITED STATES
15 Defendant.) MAGISTRATE JUDGE

This matter came before the Court for a Show Cause hearing on Feb. 2, 2009.

The Court makes the following findings.

18 1. On February 7, 2008, Plaintiff Gloria Castle filed an Application for Leave to
19 Proceed *In Forma Pauperis* (#1) with a proposed complaint attached thereto
20 (Attachment #1) (#1).

21 2. A hearing on the Application (#1) was held on April 9, 2008. Plaintiff, Gloria
22 Castle appeared at this hearing and was canvassed by the Court. The Application
23 (#1) was denied and Plaintiff was ordered to pay the full filing fee by May 15,
24 2008.

25 4. Plaintiff failed to pay the filing fee as ordered and subsequently a Show Cause
26 hearing was scheduled for February 2, 2009. *See*, Order to Show Cause (#5).

27 5. Notice of the Show Cause hearing was sent by certified mail to Plaintiff's address
28 of Record. *See*, Mail Receipt (#6).

6. Said certified mail was returned to the Court by the United States Postal Service marked "Return to Sender Vacant Unable to Forward." *See*, Returned Mail Notice (#7).

7. Plaintiff, Gloria Castle did not appear at the Show Cause hearing scheduled for February 2, 2009.

8. Plaintiff, Gloria Castle has apparently changed her address without advising the court of a new address as required by the rules.

9. Plaintiff, Gloria Castle has failed to prosecute this action in that she has made no appearance in the case for approximately nine (9) months.

10 Based on the foregoing and good cause appearing therefore,

RECOMMENDATION

12 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
13 **DISMISSED WITH PREJUDICE.**

NOTICE

15 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and
16 Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days
17 after service of this Notice. The Supreme Court has held that the courts of appeal may determine
18 that an appeal has been waived due to the failure to file objections within the specified time.

19 Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also
20 held that (1) failure to file objections within the specified time and (2) failure to properly address
21 and brief the objectionable issues waives the right to appeal the District Court's order and/or
22 appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th
23 Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

24 DATED this 2d day of February, 2009.

Robert J. Johnston
ROBERT J. JOHNSTON
United States Magistrate Judge